

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

OCT 27 2015

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

David J. Bradley, Clerk of Court

ISAAC DESHAWN WILLIAMS # 1711180

Plaintiff's name and ID Number

STRIKEFELLOW UNIT R2 (TDCJ)

Place of Confinement

CASE NO: _____
(Clerk will assign the number)

v.

CITY OF HOUSTON POLICE DEPARTMENT

Defendant's name and address

SARGENT. HANEY OF HOUSTON POLICE DEPARTMENT

Defendant's name and address

OFFICER. DELASBOUR OF HOUSTON POLICE DEPARTMENT

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES ✓ NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: -NA-
 2. Parties to previous lawsuit:
 Plaintiff(s): -NA-
 Defendant(s): -NA-
 3. Court (If federal, name the district; if state, name the county) -NA-
 4. Docket Number: -NA-
 5. Name of judge to whom case was assigned: -NA-
 6. Disposition: (Was the case dismissed, appealed, still pending?)
-NA-
 7. Approximate date of disposition: -NA-

II. PLACE OF PRESENT CONFINEMENT: STRING FELLOW UNIT - TDCJ

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system. -NA-

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: STRING FELLOW UNIT 1200 F.M. 1655
ROSHARON, TX 77583 - TDCJ

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: CHARLES A. McLELLAND, JR. CHIEF OF HOUSTON POLICE
DEPARTMENT 1200 TRAVIS, HOUSTON, TEXAS 77002.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

AS CHIEF OF POLICE HE IS ALSO HELD RESPONSIBLE FOR THE ACTION OF THE OFFICERS.

Defendant #2: POLICE SARGENT HANEY, SARGENT @ HOUSTON POLICE
DEPARTMENT 1200 TRAVIS, HOUSTON, TEXAS 77002.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

PULLED DOWN MY PANTS AND UNDERWEAR AND ADMINISTERED A ILLEGAL CIVITY SEARCH

Defendant #3: OFFICER DELASBOUR OF HOUSTON POLICE DEPARTMENT
1200 TRAVIS, HOUSTON TEXAS 77002.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

RESTRAINED ME AND ASSISTED WITH SPREADING MY BUTTOCKS APART IN PUBLIC.

Defendant #4: OFFICER WIENER OF HOUSTON POLICE DEPARTMENT
1200 TRAVIS, HOUSTON TEXAS 77002

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

RESTRAINED ME AND ASSISTED WITH SPREADING MY BUTTOCKS APART IN PUBLIC

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

WHILE IN HANDCUFFS I WAS VIOLENTLY RESTRAINED BY OFFICERS OF HOUSTON POLICE DEPARTMENT. THOSE OFFICERS PULLED DOWN MY SHORTS AND UNDERWEAR AND FORCEFULLY PULLED MY BUTTOCKS APART AND ADMINISTERED A CAVITY CHECK OF MY PRIVATE PARTS; NAMELY: ANUS. THIS HAPPENED @ THE 3400 BLOCK OF DENNIS STREET HOUSTON TEXAS, ON OCTOBER 30, 2013, INVOLVING POLICE SARGENT HANEY, OFFICER DELASHOUR, OFFICER WIENER AND 3 OTHER OFFICERS IM UNABLE TO PROVIDE NAMES FOR AT THIS TIME. VIDEO OF THIS ENCOUNTER WAS RECORDED AND POSTED ON SOCIAL MEDIA OUTLETS BY WITNESSES WHO WERE AROUND.

CONTINUE PAGE →

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

(\$7,000,000.00)
GRANT VICTIM COMPENSATION, ORDER HOUSTON POLICE DEPARTMENT TO COVER HOSPITAL FEES AND SUSPEND THOSE OFFICERS INDEFINITELY.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

ISAAC DESHAUN WILLIAMS, ISBAC DESHAUN WILLIAMS

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

TDCJ # 1711180

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): -NA-

2. Case Number: -NA-

3. Approximate date sanctions were imposed: -NA-

4. Have the sanctions been lifted or otherwise satisfied? YES ☒ NO

C. Has any court ever warned or notified you that sanctions could be imposed? ____ YES ☒ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): -NA-
2. Case number: -NA-
3. Approximate date warning were imposed: -NA-

Executed on: OCTOBER 13, 2015
(Date)

ISAAC DESHAWN WILLIAMS
(Printed Name)

Isaac Deshawn Williams
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **\$350** filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 13th day of OCTOBER, 20 15.
(Day) (Month) (Year)

ISAAC DESHAWN WILLIAMS
(Printed Name)

Isaac Deshawn Williams
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.



CITY OF HOUSTON

Houston Police Department

Annise D. Parker, Mayor

1200 Travis Houston, Texas 77002-6000 713/308-1600

CITY COUNCIL MEMBERS: Brenda Stardig Jerry Davis Ellen Cohen Dwight A. Boykins Dave Martin Richard Nguyen Oliver Pennington Edward Gonzalez Robert Gallegos
Mike Laster Larry V. Green Stephen C. Costello David Robinson Michael Kubosh C. O. "Brad" Bradford Jack Christie CITY CONTROLLER: Ronald C. Green

September 28, 2015

Charles A. McClelland, Jr.
Chief of Police



Isaac D. Williams #1711180
Texas Department of Criminal Justice
Stringfellow Unit / R2
1200 FM 655
Rosharon, Texas 77583

RE: Issue Record #48588-2015

Dear Mr. Williams:

Your complaint has been processed through the Internal Affairs Division's intake section and has been assigned Issue Record # 48588-2015. For your information, the Internal Affairs Division is located at 1200 Travis, Suite 2001, Houston, Texas 77002. Our main phone number is 713-308-8900.

I have been assigned the complaint for investigation and can be contacted directly at 713-308-8978. My office hours are Monday through Friday between the hours of 8:00 A.M. and 4:00 P.M.

I will be contacting you later as the investigation is being conducted. Once the investigation has been completed, the Department will contact you and notify you of the results. Please use the aforementioned Issue Record number in all future inquiries regarding this complaint.

A handwritten signature in black ink, appearing to read "D. Gonzales".

D. Gonzales, Sergeant
Internal Affairs Division



V. STATEMENT OF CLAIM:

- #1 SARGENT HANEY PUT ON BLUE EXAM GLOVES AND ORDERED OFFICERS TO HOLD ME DOWN IN A RESTRAINT WHILE HE CHECKED MY ANAL CAVITY FOR DRUGS.
- #2 OFFICER DELASBOUR ASSISTED WITH THE RESTRAINT AND THE PULLING DOWN OF MY SHORTS AND UNDERWEAR, ALSO AIDED WITH FORCEFULLY PULLING MY BUTTOCKS APART.
- #3 OFFICER WIENER ASSISTED WITH TWISTING MY HANDS AND ARMS WHILE IN HANDCUFFS TO APPLY PRESSURE TO GET ME TO RELEASE MY BUTTOCKS MUSCLES SO THEY COULD ADMINISTER THE CHECK OF MY CAVITY; NAMELY: ANUS.
- #4 POLICE CHIEF CHARLES A. MCKILLAND AND THE CITY OF HOUSTON POLICE DEPARTMENT WAS NEGLIGENT TOWARD INVESTIGATING THE ENTIRE POLICE REPORT; REASONS FOR HOSPITAL ATTENTION BY ONLY REPORTING ENOUGH INFORMATION TO CHARGE ME WITH RESISTING ARREST.

Abner DeShaw
10/13/15

NOTICE
OFFENDER NOTARY PUBLIC SERVICE

Under both Federal law (28 U.S.C § 1746) and State law (V.T.C.A. Civil Practice & Remedies Code, §132.001-132.003), offenders incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration, verification, certification, oath, or affidavit sworn before a Notary Public.

In a request for Notary Public service, each offender must explain why an Unsworn Declaration is insufficient before Notary Public service will be provided.

An example of an unsworn declaration pursuant to State law is as follows:

"My name is ISAAC DESHAUN WILLIAMS my date of birth is 05-24-1989
(First) (Middle) (Last)

and my inmate identifying number, is #1711180. I am presently incarcerated in

STRINGFELLOW UNIT TDCJ in ROSHARON
(Corrections unit name) (City)
BRAZORIA TX 77583 I declare under penalty of
(County) (State) (Zip Code)

perjury that the foregoing is true and correct.

Executed on the 13 day of OCTOBER, 2015. Isaac Williams
(Offender Signature)

An example of an unsworn declaration pursuant to Federal law is as follows:

I ISAAC DESHAUN WILLIAMS (insert offender name and TDCJ number), being presently incarcerated in STRINGFELLOW UNIT -R2 (insert TDCJ unit name), in BRAZORIA County, Texas, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 13 day of OCTOBER, 2015. Isaac Williams
(Offender Signature)

NOTICE
NOTARY PUBLIC SERVICE DENIAL

Regarding your request for Notary Public service, insufficient justification was provided necessitating Notary Public service. However, you may proceed with an Unsworn Declaration.

Jammy Sharp
(Signature - Notary)

10-13-15
(Date)